

Filed: April 18, 2006
Staff: Trever Parker
Staff Report: May 7, 2006
Hearing Date: May 17, 2006
Commission Action:

STAFF REPORT: CITY OF TRINIDAD

APPLICATION NO: 2006-05

APPLICANT (S): Jake and Nan Jacolick

AGENT: Keith Stearns

PROJECT LOCATION: 789 Underwood Dr.

PROJECT DESCRIPTION: Design Review and Coastal development Permit to remove an existing sunroom and deck and add 353 s.f. of living space to the main level of an existing 3-level, 2-unit residence.

ASSESSOR'S PARCEL NUMBER: 042-041-03

ZONING: UR – Urban Residential

GENERAL PLAN DESIGNATION: UR – Urban Residential

ENVIRONMENTAL REVIEW: Categorically Exempt from CEQA per § 15301 of the CEQA Guidelines exempting alterations and additions to existing structures.

APPEAL STATUS:

Planning Commission action on a coastal development permit, a variance or a conditional use permit, and Design Assistance Committee approval of a design review application will become final 10 working days after the date that the Coastal Commission receives a "Notice of Action Taken" from the City unless an appeal to the City Council is filed in the office of the City Clerk at that time. Furthermore, this project **X** ~~is~~ is not appealable to the Coastal Commission per the requirements of Section 30603 of the Coastal Act.

SITE CHARACTERISTICS:

The property is located on the southwest side of Underwood on the outside of its turn from west to north. The site is bordered by other residential development on all sides. The large, approximately 13,970 s.f. lot is currently developed with a 3-level structure; there is a 1,857 s.f. residence on the upper two levels with a 572 s.f. accessory dwelling (mother-in-law) unit on the lower level. The residence is situated on a hillside such that it appears to be 2-stories from the street, and 3-stories from below. Access to the site is from Underwood to the east on the middle-level. Other site improvements include those normally associated with residential developments, such as a garage, septic system, garden shed, etc. The property slopes between 10% and 20% to the west.

STAFF COMMENTS:

Because of the nature of the project, referrals were not sent to the Building Official, City Engineer and the County Health Department. The project will not significantly increase the building footprint, will not affect drainage and will not require street improvements. A building permit will be required for project construction if approved by the Planning Commission. Current policies of the Health Department and the City do not require further review of this project since the septic system was constructed after 1980, the project will not encroach on the existing system, nor is it adding a bedroom. The septic system and its relationship to the second unit are discussed below. A standard condition of approval has also been included that any conditions of the City Engineer and Building Official must be met prior to building permit issuance and that any grading, drainage and street improvement requirements will be addressed during the building permit process.

ZONING ORDINANCE/GENERAL PLAN CONSISTENCY

The property where the project is located is zoned UR – Urban Residential. The purpose of this zone is to allow relatively dense residential development; single-family residences are a principally permitted use. The minimum lot size allowed in the UR zone is 8,000 s.f. and the maximum density is one dwelling per 8,000 s.f. This project is proposed for an approximately 13,970 s.f. lot. This is approximately 6,000 s.f. over the minimum lot size, but not quite large enough to meet the density requirement of the zoning ordinance of 8,000 s.f. per unit, because it contains an accessory dwelling unit. It is assumed that this unit was built at the same time the house was in 1986, after the zoning ordinance was in place, indicating past illegal use of the property. However, the extra unit is not being used for living space at this time. Current state law limits some of the restrictions that a City can place on second units, and Trinidad has not yet addressed these new requirements. This is only the first of several second units that are likely to come up this year, and staff feels that the City will have to address them more clearly in the near future. The existing zoning ordinance addresses duplexes, guest houses (w/out a kitchen) and servant's quarters, none of which encompass the type of extra units normally found in Trinidad. The General Plan contains somewhat conflicting policies that both encouraging maintaining the rural, single-family, owner-occupied, fishing village nature of the town, while still encouraging

affordable housing. This issue is discussed further in the 'sewage disposal' section of the staff report.

The remodel consists of a net addition of 248 s.f.; an existing 105 s.f. sunroom will be removed, and 353 s.f. added on to the dinning / living areas. The floor area of the main residence, as defined by the Zoning Ordinance Sec. 17.08.310, after the remodel, will be 2,105 s.f. Including the accessory dwelling unit, the 3-level residence will be a total of 2,677 s.f. Table 1 summarizes the project square footages. Although some consideration is given to the second unit, because of the questionable status of the existing accessory dwelling unit, staff is processing this project as if it were a single dwelling unit, and the square footages should be considered accordingly. Therefore, the total square footage of the residence is 2,677 s.f. This is above the Design Review guideline of 2,000 s.f. However, because of the large size of the lot, the floor-to-area (FAR) ratio is still fairly low. In the past, the Planning Commission has used maximum FAR guideline of 25%. This number is based on the fact that 2,000 s.f. is 25% of an 8,000 s.f. lot.

TABLE 1 - AREAS

	EXISTING	PROPOSED
LOT AREA	13,970 s.f.	13,970 s.f.
FLOOR AREA		
Primary Residence	1,857 s.f.	2,105 s.f.
Accessory Dwelling Unit	572 s.f.	572 s.f.
Total Residence	2,429 s.f.	2,677 s.f.
2-car Garage / Utility	597 s.f.	597 s.f.
FOOTPRINT (w/garage)	1,780 s.f.	2,030 s.f.
FLOOR TO LOT AREA RATIO		
Total Residence (incl. 2nd unit)	17.4%	19.2%
Total Footprint	12.7%	14.5%

The Urban Residential zone (§17.36.050) requires minimum yards of front 20', rear 15', and side 5' (§ 17.36.060). The parcel faces Underwood Drive to the east. The plot plan indicates that the required setbacks will be met by the addition. Section 17.56.110 allows eaves and overhangs to extend 2.5' into side yards and 4' into front, street-side and rear yards. Decks and stairways, landings, balconies and uncovered porches are allowed to extend up to eight feet into front, rear or street-side yards and three feet into side yards. For all these features, setbacks will be met, as shown on the plot plans.

The maximum height allowed in the UR zone, by Zoning Ordinance § 17.36.06 (average ground level elevation covered by the structure to the highest point of the roof), is 25 feet, except that the Commission may require a lesser height in order to protect views. The maximum height, as shown on the plans, of the existing structure is 25'; the addition will

have a maximum height of 16'. The Trinidad General Plan and Zoning Ordinance protects importance public coastal views from roads, trails and vista points and private views from inside residences located uphill from a proposed project from significant obstruction. Because of the location of the addition, and the fact that it is small and replaces an existing sunroom and deck, there is minimal potential for significant view impacts.

The Zoning Ordinance (§ 17.56.180) requires 2 off-street parking spaces other than any garage spaces for single-family dwellings. There are three paved parking spaces shown on the plot plan, in addition to two garage spaces, for a total of five parking spaces. The existing parking clearly meets zoning ordinance requirements, and the project will not alter the use or parking pressure anyway.

Because the project consists of an addition where a sunroom and deck already exist, the building site is flat and minimal grading will be required; the existing deck and sunroom supports will have to be replaced in order to accommodate the heftier addition. This site is already connected to services and utilities and these will not change. Exterior materials and colors are proposed to match existing materials and colors.

SLOPE STABILITY:

The property where the proposed project is located is outside of any areas designated as unstable or questionable stability based on Plate 3 of the Trinidad General Plan, and the site is generally flat with little slope.

SEWAGE DISPOSAL:

The existing septic tank and leachfield are shown on the plans; a 100% reserve area has also been approved (1986). The system is designed for a three-bedroom residence, has recently been inspected, and shows no signs of problems. Health Department regulations require a separate sewage disposal system for each unit with a separate kitchen, which is the main reason for the 8,000 s.f. per unit density limitation in the zoning ordinance. In this case, there are two kitchens, but only three bedrooms, which the existing OWTS is sized for. Given the fact that this is a large lot, with a modest second unit that is not currently used as such, and that the project will not increase the number of bedrooms on the property or encroach on the septic system, and that the system is sized and functioning appropriately, staff is not proposing that the second unit be removed at this time. Currently, the City only recognizes one unit on the property and a violation of this would be pursued as a separate action according to City regulations and policies. Under the assumption that the City will be addressing second units, at least in terms of septic systems, in the near future, staff is proposing that a deed restriction be recorded instead. This would be similar to our standard deed restriction limiting the number of bedrooms allowed onsite, but would also include a limitation that the residence only be utilized as one-unit until such time as the City approves the use of the second unit on the property under new ordinance provisions. This would mean that the owners can continue to use the lower level on a temporary basis for guests, but could not rent it out as a separate unit. The alternative would be to require

that the second kitchen be removed in order to make the structure a large, but single, living unit as a condition of project approval.

Because there is existing development on site, it is important to provided protection for the leachfield and reserve area during construction. Therefore, a standard condition of approval has been included that requires this.

LANDSCAPING AND FENCING:

No tree removal is proposed as part of this project; no new fencing or landscaping is proposed at this time.

DESIGN REVIEW / VIEW PROTECTION FINDINGS:

Because the project is located within the Coastal Zone and includes an addition to a structure that alters the exterior profile and appearance, §17.60.030 of the Zoning Ordinance requires Design Review and View Protection Findings to be made as well as approval of a Coastal Development Permit. Application materials show the project location and include a plot plan that shows proposed and existing improvements, and elevations. Required Design Review / View Preservation Findings are written in a manner to allow approval, without endorsing the project. However, if public hearing information is submitted or public comment received indicating that views, for instance, may be significantly impacted, or the structure proposed is obtrusive, the findings should be reworded accordingly.

Design Review Criteria

- A. *The alteration of natural landforms caused by cutting, filling, and grading shall be minimal. Structures should be designed to fit the site rather than altering the landform to accommodate the structure.* Response: Little or no grading will be required for this project.
- B. *Structures in, or adjacent to, open space areas should be constructed of materials that reproduce natural colors and textures as closely as possible.* Response: Response: The project is not within or adjacent to any open space areas.
- C. *Materials and colors used in construction shall be selected for the compatibility both with the structural system of the building and with the appearance of the building's natural and man-made surroundings. Preset architectural styles (e.g. standard fast food restaurant designs) shall be avoided.* Response: The proposed addition is consistent with existing and surrounding residential development. Exterior materials and colors have been designed to be consistent with the existing residence.
- D. *Plant materials should be used to integrate the manmade and natural environments to screen or soften the visual impact of new development, and to provide diversity in*

developed areas. Attractive vegetation common to the area shall be used. Response: No changes to existing landscaping are currently proposed. However, it can be found to be unnecessary because the project is consistent with existing and surrounding residential development and a significant change is not proposed.

- E. *On-premise signs should be designed as an integral part of the structure and should complement or enhance the appearance of new development.* Response: No on-premise signs are associated with this project.
- F. *New development should include underground utility service connections. When above ground facilities are the only alternative, they should follow the least visible route, be well designed, simple and unobtrusive in appearance, have a minimum of bulk and make use of compatible colors and materials.* Response: The project will not alter existing service and utility connections
- G. *Off-premise signs needed to direct visitors to commercial establishments, as allowed herein, should be well designed and be clustered at appropriate locations. Sign clusters should be a single design theme.* Response: No off-premise signs are associated with this project.
- H. *When reviewing the design of commercial or residential buildings, the committee shall ensure that the scale, bulk, orientation, architectural character of the structure and related improvements are compatible with the rural, uncrowded, rustic, unsophisticated, small, casual open character of the community. In particular:*
1. *Residences of more than two thousand square feet in floor area and multiple family dwellings or commercial buildings of more than four thousand square feet in floor area shall be considered out of scale with the community unless they are designed and situated in such a way that their bulk is not obtrusive.*
 2. *Residential and commercial developments involving multiple dwelling or business units should utilize clusters of smaller structures with sufficient open space between them instead of a consolidated structure.*

Response: The proposed addition will result in a residence of that is 2,677 which is above the 2,000 s.f. guideline. However, because of the minor nature of the addition, it can be found not to significantly increase the bulk or obtrusiveness of the structure, especially considering the large lot size and small floor-to-lot area ratio. Another guideline used by the Planning Commission is a maximum floor area of 25% of the lot area. The proposed residence floor-to-area ratio will only be 19.2% even with the three levels, because it is such a large lot.

View Protection

- A. *Structures visible from the beach or a public trail in an open space area should be made as visually unobtrusive as possible.* Response: The project not readily visible from a beach, trail or open space area.
- B. *Structures, including fences over three feet high and signs, and landscaping of new development, shall not be allowed to significantly block views of the harbor, Little*

Trinidad Head, Trinidad Head or the ocean from public roads, trails, and vista points, except as provided in subdivision 3 of this subsection. Response: The proposed project, because of its size and location, does not have potential to block public views.

- C. *The committee shall recognize that owners of vacant lots in the SR and UR zones, which are otherwise suitable for construction of a residence, are entitled to construct a residence of at least fifteen feet in height and one thousand five hundred square feet in floor area, residences of greater height as permitted in the applicable zone, or greater floor area shall not be allowed if such residence would significantly block views identified in subdivision 2 of this subsection. Regardless of the height or floor area of the residence, the committee, in order to avoid significant obstruction of the important views, may require, where feasible, that the residence be limited to one story; be located anywhere on the lot even if this involves the reduction or elimination of required yards or the pumping of septic tank wastewater to an uphill leach field, or the use of some other type of wastewater treatment facility; and adjust the length-width-height relationship and orientation of the structure so that it prevents the least possible view obstruction. Response: The proposed project, because of its size and location, has minimal potential to affect private views.*
- D. *If a residence is removed or destroyed by fire or other means on a lot that is otherwise usable, the owner shall be entitled to construct a residence in the same location with an exterior profile not exceeding that of the previous residence even if such a structure would again significantly obstruct public views of important scenes, provided any other nonconforming conditions are corrected. Response: There was no residence that was destroyed by fire associated with this project.*
- E. *The Tsurai Village site, the Trinidad Cemetery, the Holy Trinity Church and the Memorial Lighthouse are important historic resources. Any landform alterations or structural construction within one hundred feet of the Tsurai Study Area, as defined in the Trinidad general plan, or within one hundred feet of the lots on which identified historical resources are located shall be reviewed to ensure that public views are not obstructed and that development does not crowd them and thereby reduce their distinctiveness or subject them to abuse or hazards. Response: The proposed project is not within 100 feet of the Tsurai Study Area, Trinidad Cemetery, Holy Trinity Church or the Memorial Lighthouse.*

STAFF RECOMMENDATION:

Based on the above analysis, the project is consistent with the City's Zoning Ordinance and General Plan and other policies and regulations, and the necessary findings for granting approval of the project can be made. Should the Planning Commission find that the Design Review/View Protection Findings can be made, then staff recommends that the Planning Commission approve the project with a motion similar to the following:

Based on application materials, information and findings included in this Staff Report, and based on public testimony, I move to adopt the information and required findings and approve the project as submitted and as conditioned below.

Alternative Motion for Denial

If the Commission does not agree with staff's analysis, or if the public presents evidence that conflicts with the findings contained in this staff report, the Commission may choose to deny the project. If the Commission does decide to deny the project, the denial should be based on specific findings that can not be made. The Commissioners should specifically state the reasons for denial and which finding(s) can not be made. A motion could be similar to the following:

Based on public testimony and information included in the application, I find that Design Review/View Protection Finding(s) "---" can not be made because ---, and I move to deny the project.

CONDITIONS OF APPROVAL

1. The applicant is responsible for reimbursing the City for all costs associated with processing the application. *Responsibility: City Clerk to place receipt in conditions compliance folder prior to building permits being issued.*
2. Based on the findings that community values may change in a year's time, design review approval is for a one-year period starting at the effective date and expiring thereafter unless an extension is requested from the Planning Commission prior to that time. *Responsibility: City Clerk to verify prior to building permits being issued.*
3. Construction related activities are to occur in a manner that will not impact the integrity of the septic system. The leachfield area shall be staked and flagged to keep equipment off the area. Alternatively, a written description of techniques/timing to be utilized to protect the system will be required from the contractor. If the existing system area is impacted by construction activities, an immediate Stop-Work Order will be placed on the project. The contractor will be required to file a mitigation report for approval by the City and County Health Department prior to permitting additional work to occur. *Responsibility: Building Official to verify prior to building permits being issued and during construction.*
4. Recommended conditions of the City Building Official and City Engineer shall be required to be met as part of the building permit application submittal. Grading, drainage and street improvements will need to be specifically addressed at the time of building permit application. *Responsibility: Building Official prior to building permits being issued.*
5. Construction related activities are to occur in a manner that incorporates storm water runoff and erosion control measures in order to protect water quality considerations near the bluffs. Specific water quality goals include, but are not limited to:
 - a. Limiting sediment loss resulting from construction
 - b. Limiting the extent and duration of land disturbing activities

- c. Replacing vegetation as soon as possible
- d. Maintaining natural drainage conditions

Responsibility: Building Official to confirm at time building permits are issued.

6. The applicant is responsible for submitting proof that a statement on the deed, in a form approved by the City Attorney, has been recorded indicating that any increase in the number of bedrooms or use, above a total of one unit and three bedrooms, will require City approval of adequate sewage disposal capabilities. *Responsibility: Building Official to verify prior to building permits being issued.*